



Eastern
Illinois
University

BOARD OF GOVERNORS UNIVERSITIES

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Radio and Television Center
Charleston, Illinois 61920
WEIU TV Channel 51
217/ 581-5956
WEIU FM 88.9
217/ 581-6116

June 2, 1993

Abby J. Aronsohn, Director
Programming and Special Events
Douglas Communications Corporation II
1200 East Ridgewood Avenue
East Wing - Suite 3D
Ridgewood, NJ 07450

RE: Carriage of WEIU TV on Douglas Communications Corporation
II's Cable System in Brocton, Illinois; Hume, Illinois;
and Metcalf, Illinois.

Dear Ms. Aronsohn,

Pursuant to Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, I hereby request carriage of WEIU TV on Douglas Communications Corporation II's cable systems in Brocton, Illinois; Hume, Illinois; and Metcalf, Illinois. WEIU TV is a qualified local noncommercial television station entitled to carriage under Section 5 of the 1992 Cable Act.

Pursuant to Section 5(g)(5) of the Act, I would like to discuss with you an appropriate channel position for the signal of WEIU TV with the goal of reaching a mutually agreed upon placement.

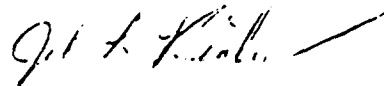
I have also received your letter dated May 17, 1993 directed to WEIU TV, Charleston, Illinois regarding the topic referenced above.

Please advise us of the basis of your assertion that WEIU TV may not be entitled to carriage on your cable system. As required by the FCC rules, please provide us with additional information regarding your assertion that WEIU TV fails to meet the standards for delivery of a good quality signal to your cable system's principal headend. Specifically, please identify the location (i.e. geographical coordinates) of your system's principal headend. In addition, please furnish us with a list of the equipment which was used to make the initial measurements, a detailed description of the reception and over-the-air signal processing equipment used, including sketches and a description of the methodology used for processing the signal. Please include the specific make and model numbers and age of all equipment. We hope that this additional information will help us to identify and resolve any problem with signal quality, thereby enabling us to produce a signal which meets the applicable technical requirements.

WEIU 000441

A prompt reply to this request would be appreciated. Please advise if you have any questions or require further information. Thank you.

Sincerely,

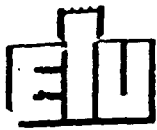


John L. Beabout, Director
Radio and Television Center
General Manager WEIU FM & TV

cc: Mr. Wayne Coy, Attorney at Law - Cohn & Marks Law Offices

JLB/kb

WEIU 000442



Eastern
Illinois
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RETURN RECEIPT REQUESTED

Radio and Television Center
Charleston, Illinois 61920
WEIU TV Channel 51
217/ 581-5956
WEIU FM 88.9
217/ 581-6116

June 8, 1993

Ms. Abby J. Aronsohn
Director of Programming & Special Projects
Douglas Communications Corporation V. L.P.
1200 East Ridgewood Avenue
East Wing - Suite 3D
Ridgewood, NJ 07450

RE: Carriage of WEIU TV on Douglas Communications Corporation's
system serving Sidell, Illinois.

Dear Ms. Aronsohn,

Pursuant to Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, I hereby request carriage of WEIU TV on Douglas Communications Corporation's system serving Sidell, Illinois. WEIU TV is a qualified local noncommercial television station entitled to carriage under Section 5 of the 1992 Cable Act.

Pursuant to Section 5(g)(5) of the Act, I would like to discuss with you an appropriate channel position for the signal of WEIU TV with the goal of reaching a mutually agreed upon placement.

Please provide a written response to this request within thirty (30) days. If you have any questions regarding this request for carriage and channel positioning, please contact me as soon as possible.

Please advise if you have any questions or require further information. Thank you.

Sincerely,

John L. Beabout, Director
Radio and Television Center
General Manager WEIU FM & TV

cc: Mr. Wayne Coy, Attorney at Law - Cohn & Marks Law Offices

JLB/kb

WEIU 000420

October 25, 1989

Rick Chandler
Program Director
MWI Cablesystems
35 Industrial Drive
Martinsville, IN 46151

Dear Mr. Chandler,

I talked with Bob Cagle last week about WEIU TV 51 becoming a part of your cable system in Illinois. Our chief engineer, Ron Amyx, talked with you and thought it would be a good idea to familiarize you with our station and our programming.

Enclosed is our monthly program guide and a map of our broadcast area. With **The Wonderful World of Disney**, **News Scan Live**, six hours of **Financial News Network**, news and public affairs, and programming from the BBC, we offer an extraordinary array of quality programming.

Please take a few minutes to review the information, and I'll give you a call next week to answer any questions. Thank you for your interest.

Sincerely,

Rebecca Dole, Director
Development and Marketing
WEIU TV

WEIU 000370



EASTERN ILLINOIS UNIVERSITY
CHARLESTON, ILLINOIS 61920

Radio and Television Center
WEIU TV Channel 51
(217) 581-5956
WEIU FM 88.9
(217) 581-6116

September 23, 1992

John Hagstrom
General Manager
MW1 Cablesystems Inc.
35 Industrial Drive
Martinsville, Indiana 46151

Dear Mr. Hagstrom,

WEIU TV respectfully requests MW1 Cablesystems Inc.'s consideration for carriage of WEIU TV on the Lerna, Illinois, cable system. WEIU TV broadcasts more than 70 hours weekly of educational programming that is appropriate for and provided free of cost to area schools in WEIU TV's 10 county service area. The school system in Lerna has requested that we contact you on their behalf to encourage MW1 to add WEIU TV to the Lerna system. WEIU TV is a PBS affiliate, but duplicates less than 10% of the programming broadcast by WILL TV. Please feel free to call me if you have any questions or require further information. I have enclosed a program for your reference. Thank you.

Sincerely,

John L. Beabout, Director
Radio and Television Center
General Manager WEIU FM & TV

JLB/kb

APTS 010968



Eastern
Illinois
University

BOARD OF GOVERNORS UNIVERSITIES

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Radio and Television Center
Charleston, Illinois 61920
WEIU TV Channel 51
217/ 581-5956
WEIU FM 88.9
217/ 581-6116

June 2, 1993

John Hagstrom
General Manager
MWI Cablesystems Inc.
35 Industrial Drive
Martinsville, IN 46151

Dear Mr. Hagstrom,

Pursuant to Section 5 of the Cable Television Consumer Protection and Competition Act of 1992, I hereby request carriage of WEIU TV on MWI Cablesystems Inc.'s system in Lerna, Illinois. WEIU TV is a qualified local noncommercial television station entitled to carriage under Section 5 of the 1992 Cable Act.

Pursuant to Section 5(g)(5) of the Act, I would like to discuss with you an appropriate channel position for the signal of WEIU TV with the goal of reaching a mutually agreed upon placement.

Please provide a written response to this request within thirty (30) days. If you have any questions regarding this request for carriage and channel positioning, please contact me as soon as possible.

Please advise if you have any questions or require further information. Thank you.

Sincerely,

John L. Beabout, Director
Radio and Television Center
General Manager WEIU FM & TV

cc: Mr. Wayne Coy, Attorney at Law - Cohn & Marks Law Offices

JLB/kb

WEIU 000430

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**TURNER BROADCASTING
SYSTEM,
INC., et al.,**

Plaintiffs,

v.

**FEDERAL COMMUNICATIONS
COMMISSION, et al.,**

Defendants.

**Civil Action No. 92-2247 (and
Consolidated Cases Civil
Action Nos. 92-2292, 92-2494,
92-2495, 92-2558)
(SFW, TPJ, SS)**

DECLARATION OF DAVID DIAL

1. My name is David Dial. I am General Manager of WNIN, a public television station located in Evansville, Indiana. I have held the position of General Manager since October, 1984. Prior to coming to WNIN, I was Program Manager at WHRS (now WXEL) in West Palm Beach, Florida. Prior to that, I was Television Manager of WXXI, Rochester, New York.

2. WNIN, Channel 9, is a noncommercial educational broadcast television station licensed to Southwest Indiana Public Broadcasting, Inc. WNIN began broadcasting in 1970, serving the predominantly rural area of southwest Indiana, and portions of Kentucky and Illinois.

3. WNIN's mission is to provide quality educational, informational and cultural programming with an emphasis on locally produced

shows that serve the needs of the citizens of the rural area surrounding Evansville, Indiana. Although WNIN is located in an urban center with a population of about 130,000, it serves a largely rural area with a total population of around 750,000. WNIN produces public affairs programs and documentaries of interest to the local area. The station also produces educational programs and sponsors many community events, including lectures and concerts. WNIN enjoys wide support from individuals and corporations in three states. Although there are other public television stations in the area, there is relatively little duplication between WNIN's programming and that of the other stations. WNIN is a Ready-to-Learn public television station that broadcasts nine hours per day of children's programming. Additionally, WNIN is a community licensee. The other public television stations that overlap with WNIN are state authority or university licensees with substantially different programming. Approximately 10,000 members of the community contribute to WNIN each year.

4. WNIN is a qualified noncommercial educational television station as defined in subsection (1)(1) of Section 5 of the 1992 Cable Act. WNIN is a local station as defined in subsection (1)(2) of Section 5 of the Act with regard to a number of cable systems, including Owensboro Cable (Century Communications) in Owensboro and Henderson, Kentucky; Loogootee Cable in Loogootee; Douglas Cable in Allendale, Bone Gap, Browns, Keensburg and West Salem; TCI in Owensville, Mt. Vernon, Princeton, Henderson, Ft. Branch, Poseyville, Jasper, Boonville, Huntingburg, and Haubstadt; Star Cable (Par) in Evansville, Wadesville, and Poseyville; TeleMedia in Greenriver; MW1 Cable in Pleasant Ridge and Montgomery/Cannelburg; and Triax Communications in Shoals, Monroe City and Patoka.

7. In 1989, WNIN was dropped by Douglas Cable systems in Allendale, Bone Gap, Browns, Keensburg, and West Salem, Illinois. Documentation of these drops is contained in Exhibit 3. After the 1992 Cable Act went into effect, WNIN requested carriage on Douglas Cable, but Douglas never responded. In July 1993, WNIN filed a complaint with the FCC against Douglas Cable. Douglas filed no opposition and in December 1993 the FCC ordered Douglas to pick up WNIN in Allendale, Bone Gap, Browns, Keensburg and West Salem. Douglas subsequently took the position that WNIN's signal was not strong enough. After WNIN agreed to split the cost of a new antenna, Douglas finally added WNIN. This delay in carriage of more than a year resulted in loss of viewership and diminished station membership in Southern Illinois. Documents relating to WNIN's efforts to gain carriage on the Douglas system are attached as Exhibit 3.

8. In February 1991, WNIN was dropped by Loogootee Cable, Loogootee, Indiana (now TeleMedia Co.). At the same time, the cable system added CNN Headline News. Prior to being dropped, WNIN had expended considerable resources to develop its membership in the Loogootee area. The drop resulted in WNIN's loss of service to approximately 1000 Loogootee area cable subscribers and over 75 station members. As a result of the drop, the station experienced a revenue loss of about \$4,500 per year. In December 1992, after the 1992 Cable Act went into effect, WNIN requested carriage on the Loogootee system. Telemedia declined on the grounds that Loogootee was outside WNIN's coverage area, and that the system already carried one public television station. After repeated requests from us, the cable company subsequently measured WNIN's signal on a day when WNIN was experiencing transmitter problems, and concluded that the station's signal strength was not sufficient. After repairing the transmitter, WNIN again requested that

TeleMedia carry the station. Finally, in December 1993, the cable company added WNIN. Documents relating to the Loogootee drop and subsequent correspondence are attached as Exhibit 4.

9. Prior to enactment of the must carry provisions, WNIN was involuntarily repositioned by three cable companies in 13 locations. In January 1987, TCI Cablevision repositioned WNIN to a higher channel position in nine locations—Owensville, Boonville, Mt. Vernon, Princeton, Poseyville, Jasper, Fort Branch, Huntingburg and Haubstadt. The cable company placed the Discovery Channel on Channel 9 (WNIN's original channel). In 1988, Telemedia of Greenriver shifted WNIN's channel position in Hawesville, Kentucky. In February 1989, Star Cable (now Triax) shifted WNIN from Channel 9 to Channel 19 in Evansville, Wadesville, and Poseyville. All of these shifts were made without prior notification and resulted in inferior higher channel locations. As a result of these shifts, viewers were confused about where to find WNIN, and the station lost membership. WNIN's channel position was eventually restored on these systems, but this did not occur until after enactment of the must carry provisions. Examples of documents relating to these detrimental shifts are attached as Exhibit 5.

10. Once the must carry provisions were in effect, I began to try to obtain carriage on a number of cable systems. Carriage was delayed in some cases because of resistance by the cable operators. For example, MW1 Cable repeatedly delayed in providing carriage and added WNIN only after we threatened to file an FCC complaint. See the letters I have attached as Exhibit 6. However, our efforts to obtain carriage were eventually successful because of the must carry provisions. Between May 1993 and early 1994, WNIN was picked up by seven cable companies in 12 locations. WNIN was added to the following local cable systems: Century Cable in Henderson, Kentucky; Cable Equities of

Colorado Ltd./Rifkin Associates in Grayville, Illinois; Cable Equities of Colorado Ltd./Rifkin Associates in Washington, Indiana; Telemedia Corp. in Loogootee, Indiana; Renaissance Cable in Whitesville, Kentucky; Douglas Cable of Southern Illinois in West Salem, Browns, Bone Gap, Allendale and Keensburg; Triax Community Corp. in Patoka, Shoals, and Monroe City; MW1 Cable in Montgomery, Indiana and Pleasant Ridge, Kentucky; and Multivision Cable TV in Nebo and Bremen, Kentucky.

11. WNIN has experienced increases in viewership and membership since obtaining carriage on these cable systems.

[REDACTED]

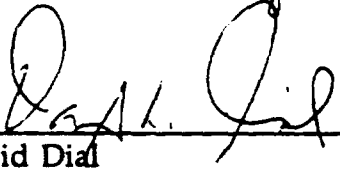
I believe that this increase reflects the fact that viewers now know the station and are comfortable with our programming, and we no longer have problems with viewer perception caused by unannounced cable drops and shifts. The membership numbers of WNIN follow a similar pattern. In October, 1993, we had 8,891 members. In October, 1994, we had 9,610 members, an increase of 8.7 percent. In 1995, to date, we already have an increase in membership of approximately 8 percent over last year's number. I believe that these increases are in large part attributable to increased cable carriage as a result of the must carry provisions.

12. Without must carry provisions, I believe WNIN would be dropped by a number of cable companies, and the station would not be able to

reach many of its current viewers. Many viewers would be unable to receive the station's signal over the air because they do not have a working outdoor antenna or have poor UHF reception. Even if viewers can receive the signal, they often do not make the effort to switch from cable to over-the-air reception. Loss of must carry would decrease WNIN's ability to provide a broad population with access to the station's unique programming. In addition, loss of viewership results in loss of membership, which in turn results in loss of financial support. Loss of viewers can also result in loss of underwriting support. In turn, loss of financial support from membership and underwriting contributions affects the quality and amount of programming that may be broadcast.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19 1995.



David Dial
General Manager, WNIN

① ~~OK~~ ✓
② DR (E)
- was NID a
w/c for this?
- is Oldy
w/c for the
system?
- maybe Dave had
missed.
- see Goveall
him..

WNIN-TV

425

9

dropped

We recently learned that the Albion, Illinois, cable system ~~dropped us as carrier~~ dropped USI out of Olney, Illinois.

They have had complaints because they dropped us and would like to put us back on.

Sincerely,

DLD:clb

Southwest Indiana Public Broadcasting, Inc. • 9201 Petersburg Road • Evansville, Indiana 47711-1499 • (812) 867-6471

January 29, 1986

Mr. Peter Fannon
NAPTS
1818 N Street NW
Suite 410
Washington, DC 20036

Dear Peter:

I have enclosed a copy of a letter I sent to Owensboro Cable which recently removed WNIN from their system. Owensboro is within our Grade A coverage area and has second largest population in our area. This really hurts.

This makes the fifth system to drop us since the must-carry laws changed. I hope we can move quickly with your new proposal. It looks great from WNIN's view. Keep up the good work.

Sincerely,

David L. Dial
President & General Manager

DLD:clk
Encl.

P.S. I have enclosed a copy of my recent State of the Station report for your perusal.

surrounded by PTU stns.
the other drops were out of state

APTS 006027

→ BT (F4T)
DR - maybe book
on (per telcom
2/5) -
pls get
debit of
off in
for your
review!
Jody
apts pmk
off from
3-5 each
day

2/88

WNIN-TV 9 FM/88 SOUTHWEST INDIANA PUBLIC BROADCASTING, INC.
DAVID L. DIAL, PRESIDENT & GENERAL MANAGER

January 27, 1985

*according to
Dale's
notes of 1/6/86
reinstated*

Mr. Dubby McGuire
General Manager
Owensboro Cablevision
Box 1798 #1 Industrial Dr.
Owensboro, KY 42301

Dear Mr. McGuire:

I would like to appeal to you to return WNIN-TV 9 to Owensboro Cable. Your action removing TV 9 from your cable system deprives your 18,000 subscribers of a valuable service they have enjoyed for sixteen years.

WNIN-TV 9 has always been the most popular public television station in the Tri-State. [REDACTED]

In addition, almost 500 families from Owensboro are members of WNIN.

9/88

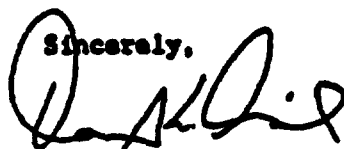
Removal of our signal from your service will further jeopardize WNIN's fragile financial support. WNIN depends on local membership and business support for almost 80% of its annual \$1,288,000 budget. WNIN depends on Owensboro for ~~over \$25,000~~ each year in membership support and additional support for our annual auction. Even losing a portion of this revenue will cut deep into our small budget.

WNIN and KET provide the citizens of Owensboro with different and valuable services. During the daytime KET provides an in-school audience with programming while WNIN serves pre-schoolers, mothers and the elderly with a service of How-To programs. Further, during the summer months, KET does not sign on until 3:00 p.m. Therefore, citizens of Owensboro will be further deprived of a daytime public broadcasting service during this time.

Mr. McGuire, I cannot believe this action can possibly provide Owensboro Cable with greater revenues or better serve the citizens of your community. I urge you to review your decision and return WNIN-TV 9 to your excellent service.

I look forward to hearing from you.

Sincerely,



David L. Dial
President & General Manager

APTS 006028



-ATLANTIC REGIONAL OFFICE
51 W. Sixth Avenue
Huntington, WV 25701
(304) 522-3969
(304) 522-4419 Fax

June 24, 1993

David Dial
President
WNIN
405 Carpenter St.
Evansville, IN 47708

Dear Mr. Dial,

This is to inform you that we should be adding your station to our system in East Henderson, KY with in the near future. We will probably be placing your station on channel 17 at first and then moving it to channel 9 sometime in the future. WGN is currently on channel 9 in East Henderson.

We are anticipating several channel changes due to the new FCC rules and wish to minimize the inconvenience and confusion to our customers by changing channels as little as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Thompson'.

Rick Thompson
Regional Engineer

JUN 24 1993

WNIN 000198

CABLE NAME: Century Cable-Owensboro Cable
 OWNER NAME: Century Communications Corp.
 ADDRESS: P.O. Box 1798
 Owensboro, KY 42302
 PHONE: 1-502-926-0202
 PARENT: Century Communications Corp.
 CONTACT: Joseph A. DiBacco, Regional Manager
 P.O. Box 1828
 Owensboro, KY 42302
 1-502-685-2991

UPDATE: 8/25/93

Comments: 6/4/93 - WNIN is presently not carried in Henderson, Spotsville, and Basket. Joe DiBacco said that they intend to pick us up soon. I requested this in writing.

8/25/93 - Carrying WNIN on Channel 17 in Henderson. Will move us to Channel 9 by September 30, 1993.

9/1/93 - WNIN carried on channel 9 in Henderson.

4/1/93 - (added + informed of our transmission problem)

COMMUNITIES/SUBS	COUNTY	STATE	WNIN CHANNEL #
Corydon/628	Henderson	KY	13
Dixon/235	Webster	KY	9
Clay/455	Webster	KY	9
Henderson/1487	Henderson	KY	9
Owensboro/20750	Daviess	KY	9
Cairo		KY	13
Geneva		KY	13
Little Dixie		KY	13
Robards	Henderson	KY	9
Maceo	Daviess	KY	9
Masonville		KY	9
Philpot	Daviess	KY	13
Poole		KY	13
Utica	Daviess	KY	9
Spotsville	Henderson	KY	Not carried
Basket	Henderson	KY	Not carried
Smith Mills	Henderson	KY	13
Dermont	Daviess	KY	9
Sorgho	Daviess	KY	9
Stanley	Daviess	KY	9
Thruston	Daviess	KY	9

WNIN 000173